

UNITED STATES BANKRUPTCY COURT District of Nevada		INVOLUNTARY PETITION	
IN RE (Name of Debtor – If Individual: Last, First, Middle) R & S St. Rose, LLC		ALL OTHER NAMES used by debtor in the last 8 years (Include married, maiden, and trade names.)	
Last four digits of Social-Security or other Individual's Tax-I.D. No./Complete EIN (If more than one state all.):			
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code) 3110 S. Durango Dr., Suite 203 Las Vegas, NV 89117 COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS Clark County ZIP CODE 89117		MAILING ADDRESS OF DEBTOR (If different from street address) same ZIP CODE	
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses) St. Rose Parkway and Spencer Road, Henderson, Nevada			
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11			
INFORMATION REGARDING DEBTOR (Check applicable boxes)			
Nature of Debts (Check one box.) Petitioners believe: <input type="checkbox"/> Debts are primarily consumer debts <input checked="" type="checkbox"/> Debts are primarily business debts	Type of Debtor (Form of Organization) <input type="checkbox"/> Individual (Includes Joint Debtor) <input checked="" type="checkbox"/> Corporation (Includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) _____	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input checked="" type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other	
VENUE <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.		FILING FEE (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Petitioner is a child support creditor or its representative, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. <i>[If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.]</i>	
PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets.)			
Name of Debtor	Case Number	Date	
Relationship	District	Judge	
ALLEGATIONS (Check applicable boxes) 1. <input checked="" type="checkbox"/> Petitioner (s) are eligible to file this petition pursuant to 11 U.S.C. § 303 (b). 2. <input checked="" type="checkbox"/> The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code. 3.a. <input checked="" type="checkbox"/> The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount; or b. <input type="checkbox"/> Within 120 days preceding the filing of this petition, a custodian, other than a trustee receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.		COURT USE ONLY	

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Name of Debtor R & S St. Rose, LLC

Case No. _____

TRANSFER OF CLAIM

☐ Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents that evidence the transfer and any statements that are required under Bankruptcy Rule 1003(a).

REQUEST FOR RELIEF

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.

☒ /s/ David B. Byrne, Jr.

Signature of Petitioner or Representative (State title)

David B. Byrne, Jr. 05/13/2010

Name of Petitioner Date Signed

Name & Mailing Address of Individual
100 Colonial Bank Blvd.,
Build. B, 3rd Floor
Montgomery, AL 36117
Capacity
SENIOR VICE PRESIDENT

☒ /s/ Douglas D. Gerrard, Esq.

05/13/2010

Signature of Attorney

Date

Douglas D. Gerrard, Esq., NV Bar No. 4613

Name of Attorney Firm (If any)

2450 St. Rose Pkwy., Henderson, NV 89074

Address

(702) 796-4000

(702) 796-4848

Telephone No.

FAX NO.

EMAIL: dgerrard@gerrard-cox.com

☒

Signature of Petitioner or Representative (State title)

Name of Petitioner Date Signed

Name & Mailing
Address of Individual
Signing in Representative
Capacity

☒

Signature of Attorney

Date

Name of Attorney Firm (If any)

Address

Telephone No.

☒

Signature of Petitioner or Representative (State title)

Name of Petitioner Date Signed

Name & Mailing
Address of Individual
Signing in Representative
Capacity

☒

Signature of Attorney

Date

Name of Attorney Firm (If any)

Address

Telephone No.

PETITIONING CREDITORS

NOT INCLUDING

Name and Address of Petitioner	Nature of Claim	Amount of Claim
Branch Banking and Trust Company	Promissory Note	35,868,156.50
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.		Total Amount of Petitioners' Claims
		35,868,156.50

2 continuation sheets attached

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re: R & S St. Rose, LLC
Debtor(s)

Case No. _____

Chapter 7

LIST OF KNOWN CREDITORS

Branch Banking and Trust Company
100 Colonial Bank Blvd.
Montgomery, AL 36117

Federal Deposit Insurance Corporation
as receiver of Colonial Bank, Montgomery Alabama
Division of Resolutions and Receiverships
1601 Bryan Street
Dallas, TX 75201

R & S St. Rose Lenders, LLC
3110 S. Durango Drive, Ste. 203
Las Vegas, NV 89117

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re: R & S St. Rose, LLC
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Case No. _____

Chapter 7

MAILING MATRIX

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